

REMARKS

Claims 1-50 are all the claims pending in this application. Claims 1-46 are original claims. Claims 47-50 were added by Preliminary Amendment dated April 29, 2002. Claims 1, 24, 47 and 50 are independent claims.

Applicants thank the Examiner for indicating that the drawings filed on December 12, 2000 have been accepted by the Patent Office. In addition, Applicants thank the Examiner for acknowledging receipt of the certified copies of the priority documents pursuant to 35 U.S.C. § 119. Applicants thank the Examiner for indicating that the references listed in the Information Disclosure Statements submitted to the PTO on December 12, 2000 and March 13, 2003 have been considered.

Initially, Applicants note the Examiner's objection to the title of the invention. To address this objection, Applicants have deleted the original title and provided the new title "PORTABLE TERMINAL WITH ROTATABLE AXIAL FLIP UNIT AND DUAL LENS ARRANGEMENT." Applicants respectfully submit that the new title is clearly indicative of the invention to which the claims are directed.

Claims 47, 49 and 50 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Kamamoto et al. (U.S. Patent No. 5,982,429). In addition, claims 1-6, 11-18, 21-22, 24-29, 34-41, 44-45 and 50 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Mack et al. (U.S. Patent No. 6,510,325) in view of Isashi (U.S. Patent No. 5,719,799). Finally, claims 23, 46

and 47-49 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Mack in view of Isashi and further in view of Kamamoto.

Applicants thank the Examiner for indicating that claims 7-10, 19-20, 30-33 and 42-43 are objected to but would be allowable if rewritten in independent form to include all of the limitations of the base claims and any intervening claims. However, for the reasons set out below, Applicants respectfully submit that it is not necessary to rewrite these claims at the present time because the rejection of at least independent claims 1 and 24 is improper. Applicants note that the Examiner has indicated that independent claim 24 has been analyzed in the same manner as independent claim 1. Accordingly, the following discussion with respect to claim 1 applies equally to claim 24.

All the pending rejections of independent claims 1 and 24, along with the rejections of their dependent claims, are based on Mack, in combination with other references. Mack's prior art date is September 27, 1999.

The Applicants respectfully attach a Declaration under 37 C.F.R. § 1.131, executed by Junichiro Shibata, swearing behind the Mack reference. The Declaration, along with the attached Exhibits, demonstrate a conception date at least prior to September 27, 1999 and continued diligence until December 12, 2000, the filing date of the present application. Therefore, the Applicants respectfully submit that Mack does not qualify as prior art under any Sections of 35 U.S.C. § 102.

Since there are no other pending grounds for the rejection of independent claims 1 and 24, and their dependent claims, Applicants respectfully submit that claims 1 and 24 remain allowable over the alleged combination of Mack and Isashi. Since claims 2-6, 11-17 and 21-22 depend from claim 1, these claims are also patentable for the same reasons as set out above with respect to independent claim 1. Further, since claims 25-29, 34-41 and 44-45 depend from claim 24, these claims are also patentable for the same reasons as set out above with respect to independent claim 24.

With respect to the Examiner's rejection of independent claim 50, this claim has been amended to recite a state sensor for detecting "at least three positional relationships." Since Kamamoto's switch 38 is disclosed as operating in an on/off manner (two (2) positional relationships - open or closed), Kamamoto does not disclose, teach or suggest sensing more than two (2) positions. Therefore, as amended, claim 50 is patentable over the cited art. Applicants have also amended claim 48 to change its dependency from claim 47 to claim 50 to maintain the initially sought protection. As such, claims 48 and 50 are now patentable. Applicants have canceled claims 47 and 49.

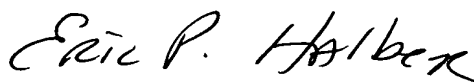
To summarize, since Mack does not qualify as prior art, Applicants respectfully submit that independent claims 1 and 24 remain patentable in view of the Examiner's alleged combination of Mack and Isashi. In addition, since claims 2-6, 11-17, 21-23, 25-29, 34-41 and 44-46 depend from either of independent claims 1 or 24, respectively, these claims remain patentable for the same reasons set out above with respect to independent claims 1 and 24. Moreover, Applicants have amended claim 50 to recite that "at least three positional

relationships” are detected by the state sensor. As a final matter, Applicants have changed the dependency of claim 48 to independent claim 50. Claims 47 and 49 have been canceled.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Eric P. Halber
Registration No. 46,378

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

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